

DEPARTMENT OF INSURANCE

45 Fremont St.
San Francisco, CA 94105



TO: Certain Interested and Affected Parties
FROM: Marjorie Rasmussen, Chief Administrative Law Judge
DATE: May 10, 2010
RE: Invitation to Prenotice Public Discussions on Contemplated Revisions to Hearing Procedures in Workers' Compensation Matters

Pursuant to California Government Code Section 11346.45, California Insurance Commissioner Steve Poizner will hold prenotice public discussions regarding the following contemplated revisions to Chapter 5, Title 10 of the California Code of Regulations, sections 2509.42, 2509.43, 2509.49, 2509.53, 2509.54, 2509.56, 2509.57, 2509.58, 2509.59, 2509.60, 2509.62, 2509.63, 2509.65, 2509.66, 2509.67, 2509.68, 2509.69, 2509.70, 2509.76 and 2509.77. These contemplated revisions would provide a mechanism for insurers to satisfy their regulatory duty to inform consumers of their complaint and appeal rights, clarify the appeal procedures and provides definitions of certain titles used in the regulations. The proposed regulations will implement, interpret and make specific the provisions of California Insurance Code sections 11737(f), 11752.6(c), 11753.1(a) and 11753.1(b). California Government Code sections 11400.20, 11415.10, 11445.20, 11445.50, and Insurance Code section 11753.1 provide authority for this rulemaking.

You are hereby invited to participate in these prenotice public discussions. The purpose of these discussions is to permit certain interested and affected persons an opportunity to present statements or comments about the advisability of the contemplated revisions.

Public discussions will be held on the following date, at the times and location specified below:

Date: Wednesday, June 16, 2010
Location: California Department of Insurance
Administrative Hearing Bureau Hearing Room
45 Fremont St., 22nd Floor
San Francisco, CA 94105
Time: 9:30 a.m. to 12:00 noon; 1:30 p.m. to 4:00 p.m. The discussions will end at 4:00 p.m. or as soon after 9:30 a.m. as all those wishing to speak have spoken, whichever is earlier.

The facility to be used for these public discussions is accessible to persons with mobility impairments. Persons with sight or hearing impairments are requested to notify the Department contact listed below by June 1, 2010 in order to make special arrangements.

Space is limited so we ask that you limit your organization's representation to one individual.

For the purposes of promoting discussion, we have enclosed a draft regulation text. The proposed draft regulations text may also be viewed on the Department's public website. On the home page, www.insurance.ca.gov, find at the right hand side of the page the heading "QUICK LINKS". The third item in this column under this heading is 'For Insurers'; on the drop-down menu for this item, select 'Legal Information'. When the "INSURERS: LEGAL INFORMATION" screen appears, click the third item in the list of bulleted items near the top of the page: 'Proposed Regulations'. The "INSURERS: PROPOSED REGULATIONS" screen will be displayed. Select the only available link: 'Search for Proposed Regulations'. Then, when the "Proposed Regulations" screen appears, you may choose to find the documents either by conducting a search or by browsing for them by name.

To search, enter "REG-2010-00009" (the Department's regulation file number for these regulations) in the search field. Alternatively, search by keyword or term ("hearing procedures" or "workers' compensation matters"). Then, click on the 'Submit' button to display links to the various documents.

Participants should be prepared to present specific comments on, and alternate regulation language for, the proposed draft regulation text at this scheduled public discussion. All persons are invited to submit written statements.

Please be advised that participation in these prenotice public discussions will be in addition to, and not in substitution for, participation in any formal rulemaking process that may ensue. This invitation to prenotice public discussions does not constitute a Notice of Proposed Action under the Administrative Procedure Act. Consequently, comments (oral or written) received in connection with these prenotice public discussions will not be included in the rulemaking file, which would not be opened until such time as formal notice were issued. Similarly, the Department is not required to respond to comments received before a Notice of Proposed Action has been published and a rulemaking file opened. For this reason, if you wish to have comments included in the rulemaking file, or to require the Department to respond to them as part of the process by which it may adopt this regulation, you must present your comments during the formal public comment period according to the procedures outlined in the Notice of Proposed Action at such time as that document may be issued, regardless of whether the comments have been made in connection with these prenotice public discussions. The Commissioner nonetheless welcomes your participation in these discussions, and hopes that any regulations that may subsequently be proposed can benefit from your input.

All inquiries regarding these prenotice public discussions should be directed to the Department contact listed below.

Participants are requested to RSVP by June 1, 2010. Please RSVP by sending to Cathy Snell your name, the name of the organization (if any) which you represent, your mailing address, telephone number, and email address. The preferred method of communicating this information to Ms. Snell is email.

Cathy Snell
300 Capitol Mall, 16th Floor
Sacramento, CA 95814
Email: SnellC@insurance.ca.gov
Phone: 916-492-3536
Fax: 916-322-7294.